

SUPREME COURT OF CALIFORNIA

**NOTICE OF
FORTHCOMING FILING**

The Supreme Court has indicated that the filing of a written opinion in the following case(s) is forthcoming. At the filing time designated below, the filed opinion(s) will be accessible at the judicial branch web site (www.courtinfo.ca.gov) and copies will be made available at the Supreme Court Clerk's Office.

[Generally, the description set out with regard to each case is reproduced from the original news release issued when review in the matter was granted, and is provided for the convenience of the public and the press. The description does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

GATES v. DISCOVERY COMMUNICATIONS, INC.

S115008 (D039399; San Diego County Superior Court – GIC769395)
Argued in Los Angeles 10-05-04

Is *Briscoe v. Reader's Digest Association, Inc.* (1971) 4 Cal.3d 529, which held that a plaintiff could maintain a tort action for invasion of privacy under California law based upon a defendant's publication of a truthful story identifying the plaintiff, a rehabilitated and otherwise anonymous private individual, as having committed a crime many years in the past, no longer viable in light of more recent decisions of the United States Supreme Court analyzing the First Amendment protection afforded the truthful publication of facts in the public record?

PEOPLE v. SAN NICOLAS

S028747
Argued in San Francisco 9-08-04

This matter is an automatic appeal from a judgment of death.

Opinion(s) in the above case(s) will be filed on:

Monday, December 6, 2004 at 10:00 a.m.